

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

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In re:

PROMESA  
Title III

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO, et al.,

(Jointly Administered)

Debtors.<sup>1</sup>

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**ORDER**

This matter is before the Court on the *Motion of Official Committee of Unsecured Creditors for Order, Under Bankruptcy Rule 2004, Authorizing Discovery Program with Respect to Certain Causes of Puerto Rico Financial Crisis* (Dkt. No. 706) (the “Motion”), the *Informative Motion of Official Committee of Unsecured Creditors and Status Report Regarding Discovery Discussions, Renewed Request for Authorization of Discovery Under Bankruptcy Rule 2004, and Agreed Notice to Conduct Hearing at October 4, 2017 Omnibus Hearing* (Dkt. No. 1284) (the “Renewed Motion”), and the related motion practice. After careful consideration of the

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<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

arguments advanced in the pleadings as well as during oral argument at the November 15, 2017 Omnibus Hearing, and in accordance with this Court's ruling during the Omnibus Hearing, the Motion and the Renewed Motion are DENIED WITHOUT PREJUDICE.

In connection with any subsequent Rule 2004 motion in this Title III proceeding seeking documents from the Banco Popular Entities, the Santander Entities and/or the GDB<sup>2</sup> (collectively, the "Financial Institutions"), the Official Committee of Unsecured Creditors shall confirm:

1. that it has entered into a mutually agreeable nondisclosure agreement with the investigator appointed by the Oversight Board (the "Investigator") or has been unable to do so despite its good faith efforts;
2. that it has submitted targeted discovery requests for information from the Financial Institutions to the Investigator; and
3. that the Investigator has failed to seek this information from the Financial Institutions within a reasonable time or has otherwise been unable to obtain this information within a reasonable time.

This order resolves Dkt. Nos. 706, 827, 890, and 1284.

SO ORDERED.

/s / Judith Gail Dein  
Judith Gail Dein  
United States Magistrate Judge

DATED: November 17, 2017

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<sup>2</sup> Capitalized terms not defined herein have the meaning assigned to them in the Motion.